

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

L.I.S.T., INC., On Behalf of Itself and All Others)
Similarly Situated,)

Plaintiff,)

vs.)

VEECO INSTRUMENTS, INC.,)
EDWARD H. BRAUN and JOHN F. REIN, JR.,)

Defendants.)

Case No.: 7:05-CV-02189 (CM)

ROY P. KERSHAW, Individually and on Behalf)
of All Others Similarly Situated,)

Plaintiff,)

vs.)

VEECO INSTRUMENTS, INC.,)
EDWARD H. BRAUN and JOHN F. REIN, JR.,)

Defendants.)

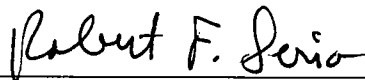
Case No.: 7:05-CV-02929 (CM)

NOTICE OF FILING

Please take notice that the undersigned has filed with the Judicial Panel on Multidistrict Litigation ("MDL Panel") a Motion to Transfer and Consolidate Actions ("Motion") pursuant to 28 U.S.C. § 1407 on behalf of defendants Veeco Instruments Inc., Edward H. Braun, and John F. Rein, Jr. The Motion, along with a Memorandum in Support thereof and the Declaration of Robert F. Serio (without exhibits), are attached hereto as Exhibits A-C, respectively. Defendants filed the attached Motion with the MDL Panel in the interest of judicial economy and in an attempt to avoid the possibility of inconsistent rulings with respect to the various motions to appoint lead plaintiff, motions to consolidate and motions to transfer that currently are pending before courts in the Eastern and Southern Districts of New York. Defendants respectfully request that the Court refrain from ruling on any pending motions until the MDL Panel rules on defendants' Motion.

DATED: April 29, 2005

Respectfully submitted,



Robert F. Serio (RS-2479)
John A. Herfort (JH-1460)
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***Counsel for Defendants Veeco Instruments Inc.,
Edward H. Braun, and John F. Rein, Jr.***

CERTIFICATE OF SERVICE

I hereby certify, under penalty of perjury pursuant to 28 U.S.C. § 1746, that on this 29th day of April, 2005, I caused true and correct copies of a Notice of Filing of Defendants' Motion to Transfer and Consolidate For Pretrial Proceedings and Memorandum in Support thereof, and the Declaration of Robert F. Serio (without exhibits) to be filed with the clerk of each district court in which an action is pending that will be affected by the Motion, and to be served by Federal Express on each of the following counsel:

A handwritten signature in black ink, appearing to read "Ross Wallin", written over a horizontal line.

J. Ross Wallin

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